

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

MICHAEL HALLMARK on behalf of
himself and all others similarly situated,

Plaintiff,

vs.

No. 11-CV-842(WMS)(LGF)

CLASS ACTION

COHEN & SLAMOWITZ, LLP
MIDLAND FUNDING LLC d/b/a
MIDLAND FUNDING OF DELAWARE LLC,

Defendants.

**Plaintiff's Notice of Motion to Strike the Reply Affidavit of Kyle Hannan, the
Reply Declaration of Daniel R. Ryan, the Exhibits to those Documents, and any
Portions of Defendants' Reply Memorandums that Refer to the
Hannan Affidavit or the Ryan Declaration**

PLEASE TAKE NOTICE, that upon the accompanying Memorandum of Law, dated April 26, 2013, and upon all of the other papers and proceedings had herein, Plaintiff will move this Court, under Rule 12(f) of the Federal Rules of Civil Procedure, for an order striking the Reply Affidavit of Kyle Hanna (ECF #70-1), the Declaration of Daniel R. Ryan, Esq. in Reply to Plaintiff's Opposition to Defendant's Motion to Dismiss (ECF #69), and the exhibits to those documents (ECF #s 69-1, 69-2, and 70-1), upon the grounds that they consist of unauthenticated documents and inadmissible hearsay, and include personal identifying information – *i.e.* the last

four digits of Plaintiff's Social Security number and his date of birth – that has been impermissibly filed, thereby opening Plaintiff up to possible identity theft.

Dated: New York, New York
April 26, 2013

/s/ Brian L. Bromberg
Brian L. Bromberg
One of Plaintiff's Attorneys

Attorneys for Plaintiff

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